

UNITED STATES CIVIL SERVICE COMMISSION  
WASHINGTON 25, D. C.

January 7, 1955

DEPARTMENTAL CIRCULAR NO. 784

TO HEADS OF DEPARTMENTS AND INDEPENDENT ESTABLISHMENTS

SUBJECT: Interim Procedures to Control Permanent-Type Appointments in the Excepted Service

PURPOSE AND SCOPE

This Circular contains instructions, effective January 23, 1955 to control the number of permanent-type appointments in the excepted service. Control is necessary so that the total number of "permanent" appointments in the competitive service under the career-conditional program plus those in the excepted service will at all times stay within the over-all ceiling for the Executive branch that is established by Section 1310 of the Supplemental Appropriations Act, 1952, 65 Stat. 757, as amended.

These instructions are issued for an interim period. They will be revised, in collaboration with the Federal agencies, when specific data, reflecting actual operating experience, replace the estimates upon which these instructions are based. These instructions apply to all employees serving under other than temporary appointments in excepted positions on and after January 23, 1955.

Until January 23, 1955, the restrictions in Executive Order 10180 on permanent appointments in the Executive branch, both in the competitive service and in the excepted service, remain in effect. Agencies should continue, therefore, to administer those restrictions in the excepted service until that date.

This circular is based in part upon the findings and recommendations of the interagency committee mentioned in Departmental Circular 775 of December 1, 1954. Consideration has also been given to the views expressed by other agencies represented on the Interagency Advisory Group.

Basic Considerations

Section 1310 of the Act authorizes an over-all ceiling on permanent-type appointments in the Executive branch of not to exceed 10 per cent above the total number of permanent employees on September 1, 1950. Executive Order 10577 of November 22, 1954 authorizing the career-conditional program, provides in Sections 204 and 205 that the Commission shall, after consultation with the agencies concerned, determine the division of allowable permanent appointments within and between the excepted service and the competitive service, and shall issue such regulations and instructions as may be necessary.

As a basis for determining the division of allowable permanent appointments between the excepted service and the competitive service, the Commission has found that there were 200,000 permanent-type employees in the excepted service on September 1, 1950. It has also accepted the premise that its

DC 784 (2)

determination should take into account the present organizational structure of the Executive branch of the Government. The Commission has also taken into account that the number of permanent-type employees in the Federal service will change materially during a period of two or three months following the effective date of Executive Order 10577. In view of this last consideration the Commission has decided to adopt at this time an interim procedure for controlling the number of permanent-type appointments in the excepted service. This procedure will be re-evaluated when reports become available on the actual number of conversions under the career-conditional program, and as statistics on the number of permanent excepted employees are secured from reports on the revised SF-113, Monthly Report of Federal Civilian Employment (distributed with Departmental Circular 777 of November 30, 1954).

#### Interim Procedure To Be Followed

Upon the basis of available data, the Commission has approved, in conformity with Section 1310, the following interim procedure for control of permanent-type appointments in the excepted service:

Each agency having excepted employees shall take such steps as may be necessary to restrict the number of permanent employees in its excepted service to not to exceed 75 per cent of its present "other than temporary" force. In no event, however, will any agency be required to maintain a lower percentage of "permanent" excepted employees than it has at the time this instruction is received.

#### RESPONSIBILITY OF AGENCIES

Each agency is responsible for administering the above requirements. Some agencies may wish to consider adaptation of the 3-years-of-service approach used in the career-conditional program for the competitive service. Other agencies may devise other methods that they deem more suitable. An agency in which the number of "permanent" appointments in the excepted service now exceeds 75 per cent of all non-temporary excepted appointments shall determine its present percentage of "permanent" excepted appointments and shall adopt that percentage as its ceiling.

The full cooperation of all agencies is essential to ensure that the Executive branch stays below the ceiling imposed by Section 1310 in the forthcoming period of transition to the career-conditional appointment system.

#### INQUIRIES

Since each agency is responsible for determining the action to be taken to comply with this Circular, inquiries by the field offices of agencies should be directed to the headquarters of the agency concerned. Inquiries from the headquarters offices of agencies may be made of the Bureau of Programs and Standards of the central office of the Commission, Code 141, Extension 4950.

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